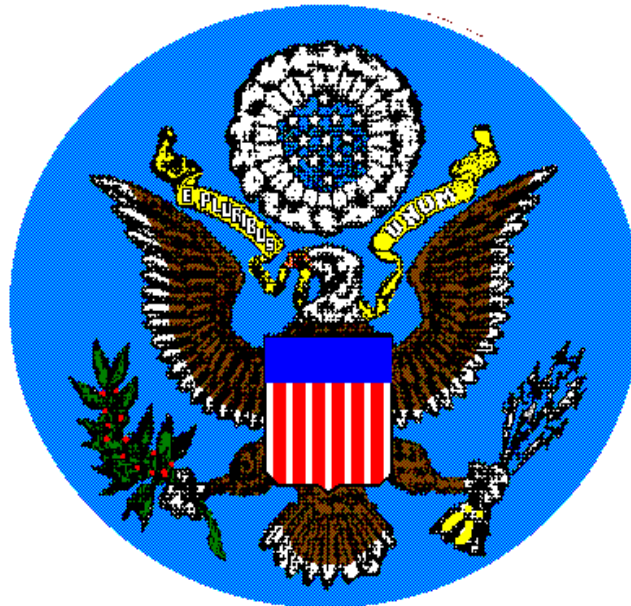


United States Bankruptcy Court



Central District of California

**Courtroom Manual
Video Teleconferencing**

**Hon. John E. Ryan
(Riverside)**

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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

JON D. CERETTO
Executive Officer
Clerk of Court

PUBLIC NOTICE

**RE: ASSIGNMENT OF RIVERSIDE BANKRUPTCY FILINGS
TO THE HON. JOHN E. RYAN**

EFFECTIVE MARCH 9, 1998

The **Hon. John E. Ryan** will be assigned cases filed in the Riverside Division. Judge Ryan will also continue to be assigned cases filed in the Santa Ana Division.

HEARINGS: To schedule matters on Judge Ryan's Riverside calendar, call (909) 774-1096.

Unless otherwise directed by the Court, Judge Ryan's Riverside cases will be heard in the Riverside Courtroom, using video conferencing. Hearings should be noticed for:

**Courtroom 303
3420 Twelfth Street
Riverside, CA 92501-3819**

FILINGS: Original case files for Judge Ryan's Riverside cases will be maintained in the Riverside Division. Unless otherwise directed by the Court or by Local Rule, all original case documents (and copies) should be filed in the Riverside Division Clerk's Office, located at:

**3420 Twelfth Street, Room 125
Riverside, CA 92501-3819**

For general information about Judge Ryan's Riverside cases, call (909) 774-1000.

Judge Ryan's Chambers, Judicial Assistant, and Law Clerk are located at:

34 Civic Center Plaza, Room 612
Santa Ana, CA 92701-4025
Phone: (714) 836-2330

**JON D. CERETTO
CLERK OF COURT**

2.0 PROCEDURES FOR HEARINGS ON RIVERSIDE CASES ASSIGNED TO JUDGE RYAN

Riverside cases assigned to Judge Ryan will normally be heard in Courtroom 303, Riverside Division, via video teleconferencing. The following procedures are in effect:

2.1 APPEARANCE IN PERSON:

- 2.1.1** Prior to the start of court, all parties making an appearance must check in with the Court Recorder and provide his/her business card.
- 2.1.2** Party must speak at the LECTERN unless otherwise directed by the Court.
- 2.1.3** When a matter is called, each participating party must state:
 - 1.** His/her name;
 - 2.** His/her law firm or business affiliation (as applicable);
 - 3.** The party he/she represents.

2.2 APPEARANCE VIA TELEPHONE (Telephone Conference):

- 2.2.1** Telephonic appearances must be approved by the Court at least one day prior to the hearing. (Call Riverside Division ((909)774-1097) for details.)
- 2.2.2** Parties must not use speaker phones during telephonic conferences.
- 2.2.3** Only one person at a time may speak.
- 2.2.4** When a matter is called by Judge Ryan, each participating party must state:
 - 1.** His/her name;
 - 2.** His/her law firm or business affiliation (as applicable);
 - 3.** The party he/she represents.
- 2.2.5** At each speaking occurrence, the telephonic party must state his/her name.

2.3 TRIALS/EVIDENTIARY HEARINGS:

Copies of exhibits for Court use during trials/evidentiary hearings must be submitted to Judge Ryan's Riverside Courtroom Deputy no less than five days before the scheduled hearing. Exhibits must be numbered and labeled as set forth in Local Bankruptcy Rule 103(6).

2.4 WITNESS(S) AND INTERPRETER(S):

Witnesses and interpreters must check in with the Court Recorder fifteen minutes before the start of court to receive special instructions.

2.5 SPECIAL CIRCUMSTANCES:

Special circumstances regarding appearances, submission of documents/orders, or conflict with the video teleconferencing courtroom procedures must be directed to the Court Recorder no later than fifteen minutes before the start of court.

3.0 TELEPHONIC CALENDARING INSTRUCTIONS JUDGE RYAN'S RIVERSIDE CASES

The following options are for Judge Ryan's Riverside matters only. To schedule matters on Judge Ryan's Riverside calendar, call (909) 774-1096.

- 3.1 To hear Judge Ryan's tentative rulings, press 1. (Note: See page 5 for detailed tentative rulings menu.)**
- 3.2 To schedule an appearance by telephone conference, press 2. (Note: See page 7 for telephone conference guidelines.)**
- 3.3 To schedule Chapter 7 and 13 Motions for Relief from the Automatic Stay, press 3. (Note: See page 8 for detailed Motion for Relief from the Automatic Stay menu.)**
- 3.4 To schedule any other matter (including self-calendaring), press 4. (Note: See page 9 for detailed self-calendaring menu.)**
- 3.5 For questions concerning a previously scheduled matter or concerning these procedures, press 5.**
- 3.6 To repeat this message, press 6.**

3.1 TO HEAR TENTATIVE RULINGS

3.1.1 For tentative rulings for hearings scheduled from 9:00 a.m. to 11:30 a.m., press 1, then,

- **For hearings scheduled at 9:00 a.m. and 9:30 a.m., press 1.**
- **For hearings scheduled at 10:00 a.m., press 2.**
- **For hearings scheduled at 10:30 a.m., press 3.**
- **For hearings scheduled at 11:00 a.m., press 4.**
- **For hearings scheduled at 11:30 a.m., press 5.**
- **To repeat this message, press 6.**
- **To return to the previous menu, press 7.**

3.1.2 For tentative rulings for hearings scheduled for 1:30 p.m. or later, press 2, then,

- **For hearings scheduled at 1:30 p.m., press 1.**
 - **For hearings scheduled at 2:00 p.m., press 2.**
 - **For hearings scheduled at 2:30 p.m., press 3.**
 - **For hearings scheduled at 3:00 p.m., press 4.**
 - **For hearings scheduled at 3:30 p.m. or later, press 5.**
 - **To repeat this message, press 6.**
 - **To return to the previous menu, press 7.**
-
- **To repeat this message, press 3.**
 - **To return to the previous menu, press 4.**

3.1.3 TENTATIVE RULING PROCEDURES

Unless otherwise ordered by the Court, these procedures shall govern tentative rulings to be issued by Judge Ryan:

- 3.1.3.1** Tentative rulings will be issued by 4:00 p.m. on the day preceding the scheduled hearing.
- 3.1.3.2** Counsel may access Judge Ryan's tentative rulings by calling the United States Bankruptcy Court, Santa Ana Division at (714) 836 2993. A phone tree will direct you to Judge Ryan's tentative rulings (see section 3.1). Counsel will be asked to indicate the time of the hearing, and then the computer-assisted phone system will provide Judge Ryan's tentative rulings for that time slot.
- 3.1.3.3** If the matter IS UNOPPOSED, Counsel may submit on the tentative ruling WITHOUT AN APPEARANCE. The tentative ruling will then become the ruling of the Court. If, in the interests of justice, the Court decides to consider a late-filed document (or argument by opposing counsel) that affects the tentative ruling and counsel for the party prevailing on the tentative ruling is not in court, the Court will continue the matter. The party in attendance will be responsible for providing notice of the continuance.
- 3.1.3.4** If the matter is OPPOSED, appearances are required; however, Counsel may arrange to APPEAR TELEPHONICALLY in accordance with Judge Ryan's telephonic appearance procedures.
- 3.1.3.5** If counsel submits on the tentative and prevails (either on the merits or by default), Counsel is required to submit a proposed order to the Court in accordance with Local Rule 116.
- 3.1.3.6** The Court WILL NOT ISSUE TENTATIVE RULINGS on disclosure statements, plan confirmation hearings, status conferences, trials, order to show cause hearings, or any proceeding set on shortened notice.
- 3.1.3.7** Questions on Judge Ryan's tentative ruling procedures should be directed to his Judicial Assistant, Nancy Garoutte, at (714) 836-2330.

3.2 GUIDELINES FOR APPEARING TELEPHONICALLY

- 3.2.1** Approval to appear telephonically on Riverside matters before Judge Ryan must be obtained from John Craig, his Riverside Courtroom Deputy. Call Mr. Craig at (909) 774-1000, extension 2097 at least one day before the hearing, unless an emergency occurs that requires a shorter notice time.
- 3.2.2** The party requesting the telephonic appearance shall initiate the call at the approved time using (714) 836-3436.
- 3.2.3** You will be given an exact time to call. If you fail to make the call timely, a default may be taken.
- 3.2.4** The court recorder will record the call.
- 3.2.5** Announce your appearance each time you speak.
- 3.2.6** Adjust the volume on your telephone to the maximum volume. Please speak in a loud voice. Do not use a speaker phone.
- 3.2.7** If you get a busy signal, keep dialing as the line will eventually clear. No action will be taken on your matter until the line has been clear for five minutes.
- 3.2.8** If a technical problem arises, the Court will make every effort to advise you of the problem and correct the situation. No action will be taken on your matter until communication is re-established.
- 3.2.9** If more than one party is requesting a telephonic appearance, a conference call operator must set up the call. It is the responsibility of the first party requesting the telephonic appearance to set the call up with a conference call operator. The second party requesting a telephonic appearance will contact the first party and notify that party that it is their responsibility to make the proper arrangements for the conference call. Parties may not conference in parties on their own phone equipment.

3.3 CHAPTER 7 AND 13 MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY

Motions for Relief from the Automatic Stay for Judge Ryan's Chapter 7 and Chapter 13 Riverside Division cases are heard by the Hon. David N. Naugle. Hearings may be scheduled using procedures described in Local Rule 112.

- ▶ **For more information regarding these procedures, press 1.**
- ▶ **To repeat this message, press 2.**
- ▶ **To return to the previous menu, press 3.**

3.4 SELF-CALENDARING TELEPHONE MENU

Parties may self-calendar Disclosure Statement hearings and Law and Motion matters that have a time estimate of no more than 10 minutes.

- ▶ **For Disclosure Statement hearing times, press 1.**
- ▶ **For Chapter 7 and 11 Law and Motion hearing times, press 2.**
- ▶ **For Chapter 13 Law and Motion hearing times, press 3.**
- ▶ **For questions concerning a previously scheduled matter or concerning these procedures, press 4.**
- ▶ **To repeat this message, press 5.**
- ▶ **To return to the previous menu, press 6.**

To calendar all other Judge Ryan Riverside matters, call his Courtroom Deputy in Santa Ana at (714) 836-2935.

3.4.1 SELF- CALENDARING GUIDELINES

- 3.4.1.1** Judge Ryan's self-scheduling system allows parties to select their own hearing dates, for matters being heard on regular notice, without having to contact a Courtroom Deputy.
- 3.4.1.2** Parties may self-schedule Disclosure Statements, or Law and Motion matters (including Chapter 13 Law and Motion matters), with a time estimate of no more than 10 minutes by calling (909) 774-1096.
- 3.4.1.3** The following motions may not be self-scheduled: Motions for Relief From the Automatic Stay, Motions for Summary Judgment, Motions for Temporary Restraining Orders, Preliminary Injunctions and Motions for Authority to use or to restrict use of cash collateral.
- 3.4.1.4** If the Court reasonably determines that the matter cannot be heard within 10 minutes or it is a matter which a party is not permitted to self-schedule, the Court will continue the matter on its own motion.
- 3.4.1.5** If you are self-scheduling a disclosure statement, please remember that all disclosure statements filed with Judge Ryan must be on the new standard disclosure statement form approved by the Central District under Amended General Order 96-04.
- 3.4.1.6** Select a hearing date that allows sufficient notice to be given in compliance with the applicable Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure.
- 3.4.1.7** This procedure only affects the manner in which you get a hearing date. It does not affect any requirement imposed by the Local Bankruptcy Rules or the Federal Rules of Bankruptcy Procedure.

4.0

NOTICE

TO ALL CHAPTER 11 DEBTORS AND THEIR ATTORNEYS:

Re: Confirmation Orders

BE ADVISED that Judge Ryan will not sign confirmation orders in Chapter 11 cases until all special charges due the Bankruptcy Court Clerk's office by the Debtor in Possession have been paid in full.

BE FURTHER ADVISED that all Chapter 11 confirmation orders must contain the following language:

IT IS ORDERED that the plan of reorganization is confirmed.

IT IS ORDERED that the discharge is effective only upon entry of the final decree.

IT IS ORDERED that all applications for fees shall be filed not later than 60 days from the entry of this order.

IT IS ORDERED that Debtor or Debtor's Attorney of record in this case shall comply fully with all provisions of Local Bankruptcy Rule 142(3), and in

connection therewith file with the Court a status report within 120 days of the entry of this order, and every six months thereafter, describing Debtor's progress toward plan consummation.

IT IS FURTHER ORDERED that when the plan is fully administered, the Debtor or Debtor's attorney of record in this case shall file an Application for Final Decree and the proposed Final Decree closing this bankruptcy case.

BE FURTHER ADVISED that the specifics regarding the court's continuing jurisdiction post-confirmation must be consistent with the provisions of the Bankruptcy Code and provisions of the plan of reorganization.

John E. Ryan
United States Bankruptcy Judge

5.0 INSTRUCTIONS TO ATTORNEYS FOR COMPLETION OF *ATTORNEY QUESTIONNAIRE*

The U.S. Bankruptcy Court, Central District of California, has agreed to participate in a study of courtroom technologies that is being conducted by the Administrative Office of the U.S. Courts. We ask that you assist in this study by completing the *Attorney Questionnaire and returning it to the court. Your responses are confidential and will not be revealed to either court personnel or to the public, other than as part of aggregate statistics.**

Please complete the questionnaire after each video hearing or proceeding in which you participate. After you have completed the form, please place it in the collection box provided for that purpose.

*** Questionnaires are available in Courtroom # 303 of the Riverside Division.**